

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION


NO. 5:15-HC-2073-BO

LUKE AMMON PREACHER,)	
Petitioner,)	
)	
v.)	
)	ORDER
ERIC HOLDER, et al.,)	
Respondents.)	
)	

Petitioner Luke Ammon Preacher filed this petition for a writ of mandamus pursuant to 28 U.S.C. § 1361. He seeks to challenge the civil commitment under the Adam Walsh Child Protection and Safety Act of 1976 (“the Adam Walsh Act”), 18 U.S.C. §§ 4247–4248 (2012) in case United States v. Preacher, No. 5:14-hc-2179-FL. Preacher is not entitled to mandamus relief.

“Mandamus relief is a drastic remedy, to be invoked only in extraordinary circumstances.” United States v. Moussaoui, 333 F.3d 509, 516–17 (4th Cir. 2003) (internal quotation marks omitted). Further, mandamus relief is available only when the petitioner has a clear right to the relief sought. In re Braxton, 258 F.3d 250, 261 (4th Cir. 2001). Mandamus “may not be used as a substitute for appeal.” In re Lockheed Martin Corp., 503 F.3d 351, 353 (4th Cir. 2007). It appears that an appeal from the determination that 18 U.S.C. § 4248 commitment is appropriate in United States v. Preacher, 5:14-hc-2179-FL, is precisely the intent of this action. See, e.g., In re Searcy, 2015 WL 5729673 (4th Cir. 2015).

The relief sought by Preacher is not available by way of mandamus. The matter is DISMISSED on initial review, and the case is CLOSED. SO ORDERED, this 2 day of November 2015.


TERRENCE W. BOYLE
United States District Judge